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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Petition of the Intelligent Transportation	)	
Society of America for Amendment of	)	RM-9096
the Commission's Rules To Add	)	
Intelligent Transportation Services (ITS)	)	
as a New Mobile Service with Co-	)	
Primary Status in the 5.850 to 5.925 GHz	)	
Band	)	

Reply Comments of Saab Systems, Inc.

Saab Systems, Inc., Traffic Systems Division ("Saab"), by its attorney, hereby submits its reply comments in the above-captioned Petition for Rulemaking ("Petition") submitted by the Intelligent Transportation Society of America ("ITSA") to add Intelligent Transportation Services ("ITS") as a new mobile service in the 5.850-5.925 GHz band ("5.8 GHz band"). In support of its reply comments, Saab states as follows:

Introduction

At the outset, it is important to note that of all the parties that filed comments on the ITSA Petition, very few parties can arguably be viewed as opposing the ITSA Petition. Those comments were submitted by Mark IV Industries, Ltd. ("Mark IV") and the American Radio Relay League ("AARL"). As will be demonstrated below, the comments submitted by these parties are not sufficient for the Commission to refrain from initiating the allocation proceeding for the 5.8 GHz band. In this reply, Saab will address the comments of Mark IV and AARL.

Comments of Mark IV

Mark IV makes three arguments with respect to the ITSA Petition. First, it argues that the FCC should "...commence a broad-ranging inquiry ...to review the diverse and complex allocations..." requested by ITSA. Second, it requests that the Commission recognize the "legitimate expectations" of incumbent licensees deployed in the 902-928 MHz band that already provide LMS services and "to confirm" that the FCC does not intend to foreclose use of bands other than the 5.8 GHz band for deployment of ITS services. Third, Mark IV submits a short appendix which purports to demonstrate that "...serious technical and cost disadvantages [will] arise if technologies developed for use in the 5.8-5.9 GHz band are used for electronic toll collection systems." The arguments made by Mark IV are either irrelevant to Commission consideration of the ITSA Petition or are not factually supported.

While Saab welcomes Mark IV's support for Commission initiation of a proceeding regarding the ITSA proposal, Saab notes that Mark IV's support is for the FCC to initiate a "broad inquiry" on the topic. Rather than instituting a broad Notice of Inquiry as suggested by Mark IV, Saab asserts that ITSA's Petition for an allocation of spectrum for DSRC services warrants immediate implementation of a NPRM. In a lengthy and fully documented Petition, ITSA provided the Commission with facts and public interest factors which clearly demonstrate that a Notice of Proposed Rulemaking should be initiated. Initiation of a NOI rather than a NPRM will only serve to delay implementation of services which the ITSA Petition demonstrated were in the public interest.

Though Saab does not object to the Commission, at some point in time, clarifying that the allocation proposed by ITSA is neither intended to negate any rights that LMS operators in the 900 MHz band have, nor to foreclose use of the 900 MHz band for LMS purposes, it believes that such "clarifications" are unnecessary and irrelevant to the merits of the ITSA Petition. ITSA's Petition did not request that the Commission take any action with regard to LMS operations in the 900 MHz band nor did it request that rules be adopted which would require companies operating in the 900 MHz band to move to another band. Its reference to the 900 MHz band was intended merely to show the Commission that the existing 900 MHz band is not optimized to accommodate the full panoply of present and future DSRC services which can be implemented. Thus, the bulk of the Mark IV comments are plainly irrelevant to the merits of ITSA's Petition.

In this regard, Mark IV provides the Commission with a very short, unsupported "Risk Analysis" which purports to demonstrate that there are "serious technical and cost disadvantages" if the 5.8 GHz band is used. Mark IV's Risk Analysis is wholly insufficient to support the conclusions in its comments. In fact, despite the fact that the assumptions used in the Risk Analysis appear to be assumptions which are not well founded, the arguments in the Risk Analysis are largely irrelevant to the ITSA Petition. For example, though it may be true at this point in time that 5.8 GHz equipment is slightly more expensive than equipment in the 900 MHz band, that does not lead to the conclusion that the 5.8 GHz band should not be allocated for ITS services. Furthermore, the argument ignores the fact that many regions throughout the world will utilize the 5.8 GHz band for DSRC services which will create a worldwide market for components in the band which will drastically reduce the cost of components. As noted in the ITSA Petition as well as

other comments submitted in this proceeding, the 5.8 GHz band will be used for ITS in Japan, Singapore, Korea, Australia, other APEC nations and in Europe.

Perhaps most importantly, the issue to be evaluated by the Commission with regard to the ITSA Petition is not whether 900 MHz or 5.8 GHz systems are better, but rather, to decide the issue of whether there is a need for the proposed allocation in the 5.8 GHz band. ITSA submitted comprehensive technical, policy and other data which shows, based on existing and projected demand, that an additional 75 MHz of spectrum is needed. The spectrum requested by ITSA is available for allocation, would be consistent with allocations being made in other parts of the world, and would provide numerous opportunities for U.S. companies to compete in this arena on a worldwide basis.

AARL

AARL expresses some concern about the ability of DSRC operations in the 5.8 GHz band to avoid interference to amateurs who are located in the band. AARL's comments can not, therefore, be seen as an "objection" to the proposal and should not be grounds for the Commission to refrain from initiating the NPRM requested. Saab assumes that ITSA will continue to discuss the concerns expressed by AARL thereby alleviating the basis for AARL's concerns.

Conclusion

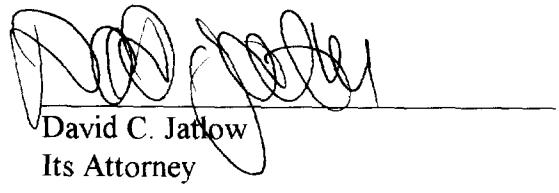
As noted above, with few exceptions virtually all parties filing comments in this proceeding supported the proposed allocation of 75 MHz of spectrum in the 5.8 GHz band for DSRC services. For the most part, those who did argue against the proposal, made arguments that are not relevant to the Petition. Saab submits that the ITSA Petition made a compelling demonstration that an allocation in the 5.8 GHz band is absolutely

necessary and justified. The proposed allocation will be consistent with similar allocations throughout the world ensuring that U.S. manufacturers will be able to use economies of scope and scale to provide DSRC products.

For the foregoing reasons, Saab requests that the Commission grant the Petition for Rule Making filed by ITSA and initiate a NPRM to allocate the 5.850-5.925 GHz band for ITS services.

Respectfully submitted,

Saab Systems, Inc.



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